

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

VICTOR OPPERMAN, et al.,

Plaintiffs,

v.

ALLSTATE NEW JERSEY INSURANCE
COMPANY, et al.,

Defendants.

Civil No. 07-1887 (RMB/JS)

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the telephone status conference on January 19, 2010; and the Court noting that counsel for all parties appeared.

IT IS this **21st** day of **January, 2010**, hereby **ORDERED**:

1. By **January 26, 2010**, the parties shall serve all remaining interrogatories, document requests and Fed. R. Civ. P. 30(b)(6) deposition notices. Responses to all interrogatories and document requests shall be served by **February 15, 2010**.

2. By **February 1, 2010**, defendants shall serve their motion to compel the deposition of Thomas Booth, Esquire.

3. By **February 1, 2010**, the parties shall serve the Court with a joint letter identifying the names and dates of all remaining fact depositions.

4. Pretrial factual discovery is hereby extended to **March 15, 2010**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

5. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiffs shall be served upon counsel for defendants no later than **April 1, 2010**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendants shall be served upon counsel for plaintiffs no later than **May 2, 2010**. Each such report and disclosure shall be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **June 2, 2010**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of Fed. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

6. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **June 6, 2010**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

7. It will be necessary for counsel to cooperate in preparing the form Joint Final Pretrial Order. The instructions for preparing the Order can be found on the website at <http://www.njd.uscourts.gov/otherGuides.html> (Pretrial Orders). The Joint Final Pretrial Order (**original and two copies for the court, with sufficient copies for all counsel**), as signed by all counsel, shall be delivered to me **three (3) days before** the conference on **July 15, 2010 at 2:00 p.m.** The plaintiff portion of the proposed order shall be prepared and sent to defense counsel no later than **June 14, 2010**. Defendant portion of the proposed order shall be prepared and returned to counsel for plaintiff no later than **June 28, 2010**.

LEAD TRIAL COUNSEL FOR ALL PARTIES SHALL APPEAR AT THE FINAL PRETRIAL CONFERENCE AND SHALL BE PREPARED TO DISCUSS SETTLEMENT OF THE CASE.

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UNDER Fed. R. Civ. P. 16(f).

s/ Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge